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7 DARIUS CLARK, et al.,
8 Plaintiffs,
9 v.
10 YODLEE, INC.,
11 Defendant.

Case No. [20-cv-05991-SK](#)

**ORDER ON PLAINTIFFS' REQUESTS
FOR PRODUCTION OF DOCUMENTS**

Regarding Docket Nos. 384, 385

12 Now before the Court is the parties' dispute over Yodlee's responses to some of Plaintiffs'
13 requests for production of documents. (Dkt. No. 384.) The parties also dispute whether Yodlee
14 may file a declaration in support of its position. (Dkt. No. 385.)

15 The Court GRANTS IN PART and DENIES IN PART Plaintiff's motion to compel further
16 production of documents and GRANTS Yodlee's request to file a declaration in support of its
17 position.

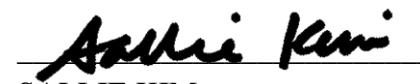
18 Plaintiffs seek documents responsive to several requests for production of documents (5,
19 91, 11, 13, 44, 46, 48, 49, 55, and 59 from Set Two and 3 from Set Three) that pertain to Yodlee's
20 sale of IAV data. Yodlee argues that it cannot produce something that does not exist. The
21 requests at issue are premised on the fact that Yodlee sells the IAV data at issue, and, thus,
22 because Yodlee claims that it did not do so, it cannot produce these documents. In essence,
23 Yodlee's argument is akin to the objection that the question assumes a fact not in evidence, since
24 producing responsive documents is only possible if Yodlee sells the IAV data at issue. Thus, the
25 Court DENIES Plaintiffs' request.

26 Plaintiffs also seek documents regarding the prices at which it sells "Bank Transaction
27 Data." Although Plaintiffs do not identify a specific document request, it appears that these
28 documents are responsive to Document Request No. 55, which seeks "[d]ocuments sufficient to

1 identify all products You sell to Your customers including a product description, selling price per
2 unit, cost per unit, any discounts, and the basis for such discounts.” Yodlee argues that this
3 category of documents is not relevant, but Plaintiffs argue that they need this information to
4 construct a theory of damages. Thus, the Court GRANTS Plaintiff’s motion to compel Yodlee to
5 produce documents showing the prices at which it sells “Bank Transaction Data.”

6 **IT IS SO ORDERED.**

7 Dated: November 28, 2023

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9 SALLIE KIM
10 United States Magistrate Judge

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United States District Court
Northern District of California